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To:

NAME:	FACSIMILE:	Telephone:
MS Petitions USPTO	(571) 273-8300	(571) 272-0762

FROM:

Jill A. Jacobson

DATE:

November 4, 2005

Number of pages with cover page:

11

Preparer of this slip has confirmed that facsimile number given is correct: 6719/jai5

Comments:

Attorney Docket No.:

578762000100

RECEIVED

Group Art Unit: Examiner:

1**6**35

OIPE/IAP

Serial No.:

R. Schnizer

Senai No.:

10/086,973

NOV 0 7 2005

Filing Date: Inventors: March 1, 2002

Kesavan ESUVARANATHAN

Title:

METHODS AND COMPOSITIONS FOR DELIVERY OF

PHARMACEUTICAL AGENTS

Documents attached:

- Transmittal Form (1 page)
- Fee Transmittal (2 + copies for fee processing (4 pages total))
- Petition to Accept Benefit Claim Under 35 U.S.C. §120 Where Benefit Claim Is Untimely and Amendment of Specification (3 pages)
- Petition Under 37 C.F.R. §1.182 Requesting Expedited Consideration of Petition to Accept Benefit Claim Under 35 U.S.C. §120 (2 pages)

To ensure compliance with requirements imposed by the United States Internal Revenue Service, Morrison & Foerster LLP informs you that, if any advice concerning one or more U.S. Federal tax issues is contained in this facsimile (including any attachments), such advice is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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pa-1023081

NOV 0 4 2005

PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Palent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/086,973 Filing Date TRANSMITTAL March 1, 2002 First Named Inventor FORM Kesavan ESUVARANATHAN Art Unit 1635 (to be used for all correspondence after initial filing) Examiner Name R. Schnizer Attorney Docket Number Total Number of Pages in This Submission 10 578762000100 ENCLOSURES (Check all that apply) Fee Transmittal Form (2 + copies After Allowance Communication x Drawing(s) for fee processing (4 pages total)) lo TC Fee Attached Appeal Communication to Board of Licensing-related Papers Appeals and Interferences Petition (Petition to Accept Benefit Appeal Communication to TC Amendmeni/Reply (Appeal Notice, Brief, Reply Brief) Claim Under 35 U.S.C. §120) (3 pages) Petition to Convert to a After Final Proprietary Information Provisional Application Power of Attorney, Revocation Change of Correspondence Address Affidavits/declaration(s) Status Letter Other Enclosure(s) (please Extension of Time Request Terminal Disclaimer Identify below): Express Abandonment Request Request for Refund Petition Under 37 C.F.R. §1.182 (2 pages) Facsimile coversheet Information Disclosure Statement CD, Number of CD(s) Certified Copy of Priority Landscape Table on CD Document(s) Reply to Missing Parts/ Remarks Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name MORRISON & FOERSTER LLP (Customer No.: 25226) Signature Printed name Jill A. Jacobson Date Reg. No. November 4, 2005 40,030 I hereby certify that this correspondence is being facsimile transmitted to the Platent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below. Dated: November 4, 2005 Signature:

PTO/88/17p (11-04)
Approved for use through 7/31/2007. QM9 0651-0031

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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision)

Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 223 13-1450

En grisos il diopeys a 1010 Omis Egillori Illumber
10/086,973
March 1, 2002
Kesavan ESUVARANATHAN
1635
R. Schnizer
578762000100

Enclosed is a petition filed under 37 CFR 1.182 that (g), or (h)). Payment of \$400.00 is enclosed. This form should be included with the above-mentioned petition and faxed or (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under the contract of the contra	t requires a processing fee (37 CFR 1.17(f)), mailed to the Office using the appropriate Mail Stop or 37 CFR 1.17(i), see form PTO/SB/17i.
Payment of Fees (small enlity amounts are NOT available for the petition	n fees).
The Commissioner is hereby authorized to charge the following fee:	s to Deposit Account No. 03-1952 :
Petition fee under 37 CFR 1.17(f), (g) or (h) X Any of	deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing. Check in the amount of \$ is enclosed.	
Payment by credit card (Form PTO-2038 or equivalent enclosed). D	o not provide credit card information on this form
Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462	
For pelitions filed under:	<u> </u>
§ 1.53(e) – to accord a filing date. § 1.57(e) – to accord a filing date,	•
§ 1.182 — for decision on a question not specifically provided for. § 1.183 — to suspend the rules.	
$\frac{6}{3}$ 1.378(e) – for reconsideration of decision on patition refusing to accept detayed pays § 1.741(b) – to accept a filing date to an application under § 1.740 for extension of a	yment of maintenence fee in an expired patent. patent term.
Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463 For petitions filed under:	
§ 1.12 – for access to an assignment record. § 1.14 – for access to an application.	
§ 1.47 – for filing by other than all the inventors or a porson not the inventor, § 1.59 – for expungement of information.	•
§ 1.103(a) – to suspend action in an application. § 1.136(b) – for review of a request for extension of time when the provisions of sections.	on 1.138(a) are not eveilable.
 § 1.295 — for review of refusal to publish a statutory invention registration. § 1.298 — to withdraw a request for publication of a statutory invention registration filed on a 	or after the date the notice of intent to publish issued.
§ 1.377 – for review of decision refusing to accept and record payment of a maintana § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination	ince fee filed prior to expiration of a patent.
§ 1.956 – for patent owner requests for extension of time in <u>Inter partes</u> reoxamination § 5.12 – for expedited handling of a foreign filling license.	n proceedings.
§ 5.15 — for changing the scope of a licensa. § 5.25 = for retroactive licensa.	
Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464	
For petitions filled under. § 1.18(g) – to request documents in a form other than that provided in this part. § 1.84 – for accepting color drawings or photographs.	
\$ 1.91 — for entry of a model or exhibit, § 1.102(d) — to make an application special.	
§ 1.134(c) — to expressly abandon an application to avoid publication. § 1.313 – to withdraw an application from lasue,	
§ 1.314 – to defer issuance of a petent.	
fu. a. Jacobnon	November 4, 2005
(Caldinatore	Date
Jill A. Jacobson Typed or printed name	40,030 Registration No., if applicable
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Under the Paperwork Red	ucilon Act of 1999	, no person are required to	U.S. Pater		oved for use through rank Office; U.S. DE for unless it display	n 7/31/2006, o	
Effecti	Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number Effective on 12/08/2004. Complete if Known						- Autor Hamber
Foes pursuant to the Consulidated Appropriations Act, 2006 (H.R. 4818).			Application Nu		10/086,973		
FEE TRANSMITTAL		Filing Date		March 1, 2002			
		· ·	First Named In	ventor	Kesavan ESUVARANATHAN		IAN
<u> </u>	For FY 2005			,	R. Schnizer		
X Applicant claims ame		See 37 CFR 1.27	Art Unit		1635		
TOTAL AMOUNT OF PA		(\$) 1,370.00	1,370.00 Attorney Docket No. 578762000100				
METHOD OF PAYMEN	IT (check all t	hal apply)	···.				
Check Credit		fancy Order No		please ident	ify);		
X Deposit Account Dep	osil Account Numb	ю <u>, 03-1952</u> Deposit Acc	count Name:	Mor	rison & Foerst	ter LLP	
For the above-iden	tified deposit a	account, the Director is	hereby authoriza	ed to: (ched	k all that apoly)		-
x Charge fee(s					licated below, ex		filing fee
Charge any a	additional fee(s 37 CFR 1.16 a	i) of underpayment of	<u> </u>	any overpa			ming tee
FEE CALCULATION		1.17			_		_
1. BASIC FILING, SEARCI	H, AND EXAM	INATION FEES			 .		
			ARCH FEES	EXAMIN	ATION FEES		
Application Type	Fee (\$)	Small Entity	Small Entity		Small Entity		
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Design	200	100 100		200	100	0.00	
Plant	200	100 300	50	130		65 0.00	
Reissue	300	150 500	150 250	160	80	0.00	
Provisional	200	100 0	250	600 0	300		
2. EXCESS CLAIM FEES	200	100 0	v	V	0	0.00	
Fee Description Each claim over 20 (includ	ing Dairman)	DU	JPLICATI	E COP	Y	Fee (\$)	nall Entity Fee (\$)
Each independent claim ov	ng Keissuss)	Raisman FOR	FEE PRO	CESS	ING	50	25
Multiple dependent claims	н э (шавы)	g ressues) I CIC	TEE I KO	د داند	MO	200	100
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3. APPLICATION SIZE FE		<u>U,</u>	.00				
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<u>Total Sheeta</u> <u>E</u>	ktra Sheeta	Number of each ac	• • • • • • • • • • • • • • • • • • • •	<u>ton thereof</u>	Fee (\$)	Fee Pa	id (\$)
- 100		/50	iodw e ol qu brum)	ie number) 🤉	125.00 =	0.0	<u> </u>
4. OTHER FEE(S)	. 61006					Fees Pa	
Non-English Specification						0.0	
Other (e.g., late filing su	ronarge): 14	04 Acceptance of ar	unintentionally	delayed	daim	1,370	.00
SUBMITTED BY							
	accision		Registration No. (Attorney/Agont)	40,030	Telephono	(650) 813-	5876
Name (PrintType) Jill A. Jac	obson				Dale N	lovember 4	2005

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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown

below.

Dated: November <u>4</u> 2005

Signatur

Docket No.: 578762000100

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Kesavan ESUVARANATHAN et al.

Application No.: 10/086,973

Confirmation No.: 6742

Filed: March 1, 2002

Art Unit: 1635

For: METHODS AND COMPOSITIONS FOR DELIVERY OF PHARMACEUTICAL

Examiner: R. Schnizer

AGENTS

PETITION TO ACCEPT BENEFIT CLAIM UNDER 35 U.S.C. §120 WHERE BENEFIT CLAIM IS UNTIMELY AND AMENDMENT OF SPECIFICATION

MS Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request allowance of the claim of benefit of the filing dates of prior applications filed on September 1, 1999 and September 1, 2000 for the above-identified application.

The omission of the benefit claim by the Applicants was unintentional for the entire period from the date the claim of benefit was due for this application to the date of submission of this petition.

Accompanying this Petition is a petition for expedited handling.

Amendments to the Specification begins on page 2 of this paper.

Conclusion begins on page 3 of this paper.

11/07/2005 CNGUYEN 00000019 031952 10086973

01 FC:1454 1370.00 DA

Application No.: 10/086,973

2

Docket No.: 578762000100

(PATENT)

AMENDMENT TO THE SPECIFICATION

Applicants request replacement of the existing paragraph starting on page 1, line 4 of the specification with the following paragraph, which has been amended to state the relationship between the above-identified application and PCT application no. PCT/SG/00130.

-- CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation of and claims priority to PCT/SG/00130, filed September 1, 2000, which claims priority to Australian provisional application no. PQ2593/99, filed September 1, 1999, the contents of which are incorporated herein in their entirety. --

Application No.: 10/086,973

3

Docket No.: 578762000100

(PATENT)

CONCLUSION

The fee required under 37 C.F.R. §1.17(t) is submitted on the accompanying fee transmittal form which is attached to this submission in duplicate. In the event that the fee transmittal letter is separated from this document and/or the U.S. Patent and Trademark Office determines that additional fees are required, Applicants authorize the Commissioner to charge any fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. <u>578762000100</u>. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: November 4, 2005

Respectfully submitted,

By fin a faction

Jill A. Jacobson

Registration No.: 40,030 MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304-1018

(650) 813-5876

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Docket No.: 578762000100

(PATENT)

Patent and Trademark Office, facsimile no. (571) 273 300, on the date shown below. Dated: November 4 2005 Signature: (Mel Loung)

I hereby certify that this correspondence is being factimile transmitted to the

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Kesavan ESUVARANATHAN et al.

Application No.: 10/086,973

Filed: March 1, 2002

For: METHODS AND COMPOSITIONS FOR

DELIVERY OF PHARMACEUTICAL

AGENTS

Confirmation No.: 6742

Art Unit: 1635

Examiner: R. Schnizer

PETITION UNDER 37 C.F.R. §1.182 REQUESTING EXPEDITED CONSIDERATION OF PETITION TO ACCEPT BENEFIT CLAIM UNDER 35 U.S.C. §120

MS Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition to expedite review of the petition filed concurrently herewith for the above-identified application. The concurrently filed petition is entitled "PETITION TO ACCEPT BENEFIT CLAIM UNDER 35 U.S.C. §120 WHERE BENEFIT CLAIM IS UNTIMELY AND AMENDMENT OF SPECIFICATION".

In a telephone conversation between Applicants' representative and a representative of the Petitions Branch on October 28, 2005, the representative of the Petitions Branch recommended filing of the instant petition to expedite the consideration of the above-noted substantive petition filed concurrently herewith. Accordingly, expedited consideration of the concurrently filed petition is hereby respectfully requested. Expedited consideration is requested because a Final Office

11/08/2005 CNGUYEN 00000109 031952 10086973

01 FC:1462

400.00 DA

Application No.: 10/086,973

2

Docket No.: 578762000100

(PATENT)

Action is currently pending for the above-identified application, in which the priority benefit claim is an issue, and to which a response is due on January 7, 2006.

The fee required under 37 C.F.R. §1.17(f) is submitted on the accompanying fee transmittal form which is attached to this submission in duplicate. In the event that the fee transmittal letter is separated from this document and/or the U.S. Patent and Trademark Office determines that additional fees are required, Applicants authorize the Commissioner to charge any fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. <u>578762000100</u>. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: November 4, 2005

Respectfully submitted,

Jill A. Jacobson

Registration No.: 40,030 MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304-1018

(650) 813-5876

NOV 0 4 2005

PTO/SB/17 (12-04v2)
Approved for use through 7/31/2006. OMB 0851-0032
Edemark Office; U.S. DEPARTMENT OF COMMERCE U.S. Peters and Trade Under the Paparwark Reduction Act of 1995, no person are required to respond to collection of Information unless it displays a valid OMB control number. Complete if Known Effective on 12/08/2004. of to the Consolidated Appropriations Act, 2008 (H.R., 4818). 10/086,973 Application Number **FEE TRANSMITTAL** Filing Date March 1, 2002 Kesavan ESUVARANATHAN First Named Inventor For FY 2005 Examiner Name R. Schnizer Applicant claims small ontity status. See 37 CFR 1.27 1635 Art Unit TOTAL AMOUNT OF PAYMENT 578762000100 (\$) 1,370.00 Attorney Docket No. METHOD OF PAYMENT (check all that apply) Check Credit Card Moncy Order None Other (please identify): Deposit Account Deposit Account Number, 03-1952 Deposit Account Name: Morrison & Foerster LLP For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below Charge fee(s) Indicated below, except for the filing foe Charge any additional fee(s) or underpayment of X Credit any overpayments fee(s) under 37 CFR 1.16 and 1.17 **FEE CALCULATION** 1. BASIC FILING, SEARCH, AND EXAMINATION FEES **FILING FEES** SEARCH FEES **EXAMINATION FEES** <u>\$mall Entity</u> Small Entity Small Entity **Application Type** Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fees Paid (\$) Utility 300 150 500 250 200 100 0.00 Design 200 100 100 50 130 65 0.00 Plant 200 100 300 150 160 80 0.00 Reissuc 300 150 500 250 600 300 0.00 Provisional 200 100 0 0.00 2. EXCESS CLAIM FEES Small Entity Fee Description Fee (\$) Fee (\$) Each claim over 20 (including Reissues) 50 25 Each independent claim over 3 (including Reissucs) 200 100 Multiple dependent claims 360 180 **Total Claims** Extra Claims Fee Paid (\$) Fec (\$) **Multiple Dependent Claims** 58 0.00 25.00 0.00 Fee (\$) Fee Paid (\$) 180.00 0.00 Indep, Claima Extra Claims Fee (\$) Fee Paid (S) 0.00 × 100.00 - 5 = 0.00 3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

SUBMITTED BY						
Signaturo	hua.	pedson	isiretion No. prneyiAgent)	40,030	Telaphone	(650) 813-5876
Namo (Print/Type)	Jili A. Ja	cobson			Data	November 4, 2005

Number of each additional 50 or fraction thereof

(round up to a whole number) x

£00 (\$)

125.00

Fee Paid (\$)

0.00

Fees Paid (\$)

0.00

1,370.00

Total Sheets

4. OTHER FEE(S)

Extra Sheets

Non-English Specification, \$130 fee (no small entity discount)

/50

Other (e.g., late filing surcharge): 1454 Acceptance of an unintentionally delayed claim ...